

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

|  |   |                           |
|--|---|---------------------------|
| ELAINE WANG, Derivatively on Behalf of | ) |                           |
| Nominal Defendant ILLUMINA, INC.,      | ) |                           |
|  | ) |                           |
| Plaintiff,                             | ) | Case No.1:24-cv-232-RGA   |
|  | ) |                           |
| v.                                     | ) | Judge: Richard G. Andrews |
|  | ) |                           |
| FRANCIS A. DESOUZA, SAM A. SAMAD,      | ) |                           |
| JAY FLATLEY, JOYDEEP GOSWAMI,          | ) |                           |
| JACOB THAYSEN, JOHN THOMPSON,          | ) |                           |
| STEPHEN P. MACMILLAN, FRANCES          | ) |                           |
| ARNOLD, CAROLINE DORSA, ROBERT S.      | ) |                           |
| EPSTEIN, SCOTT GOTTLIEB, GARY S.       | ) |                           |
| GUTHART, PHILIP SCHILLER, SUE          | ) |                           |
| SIEGEL, ANDREW TENO, and SCOTT B.      | ) |                           |
| ULLEME,                                | ) |                           |
|  | ) |                           |
| Defendants,                            | ) |                           |
|  | ) |                           |
| and                                    | ) |                           |
|  | ) |                           |
| ILLUMINA, INC.,                        | ) |                           |
|  | ) |                           |
| Nominal Defendant.                     | ) |                           |

**REQUEST AND [PROPOSED] ORDER FOR VOLUNTARY  
DISMISSAL PURSUANT TO FED. R. CIV. 23.1 AND 41(a)(2)**

Plaintiff Elaine Wang (“Plaintiff”), by and through her undersigned counsel, hereby requests voluntary dismissal without prejudice of the above-captioned shareholder derivative (the “Action”) brought on behalf of the Nominal Defendant Illumina, Inc. (“Illumina”) against Defendants Francis A. deSouza, Sam A. Samad, Jay Flatley, Joydeep Goswami, Jacob Thaysen, John Thompson, Stephen P. MacMillan, Frances Arnold, Caroline Dorsa, Robert S. Epstein, Scott Gottlieb, Gary S. Guthart, Philip Schiller, Sue Siegel, Andrew Teno, and Scott B. Ulleme

(collectively, with Illumina, “Defendants”), pursuant to Rules 23.1 and 41(a)(2) of the Federal Rules of Civil Procedure.

Defendants have served neither an answer nor a motion for summary judgment in the Action, and neither Plaintiff nor her counsel have received or been promised any consideration in exchange for the dismissal. Plaintiff respectfully submits that notice to the Illumina shareholders pursuant to Fed. R. Civ. P. 23(c) is not necessary because a shareholder derivative action brought on behalf of Illumina, *Icahn Partners LP et al. v. Francis deSouza et al.*, C.A. No. 2023-1045-PAF (Del. Ch.), is presently pending in the Delaware Court of Chancery.

Therefore, Plaintiff respectfully requests that: (i) the Action be voluntarily dismissed without prejudice pursuant to Rules 23.1 and 41(a)(2) of the Fed. R. Civ. P.; and (ii) that Plaintiff be relieved of the notice requirement under Fed. R. Civ. P. 23(c).

Dated: April 29, 2024

Respectfully submitted,

**RIGRODSKY LAW, P.A.**

By: Seth D. Rigrodsky

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*Attorney for Plaintiff Elaine Wang*

**SO ORDERED** this 29 day of April, 2024.

/s/ Richard G. Andrews

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HON. RICHARD G. ANDREWS  
UNITED STATES DISTRICT JUDGE